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10/506,815	04/11/2005	Arvind Ramaswamy	200601202-5	6801
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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				ALI, FARHAD
ART UNIT		PAPER NUMBER		
2146				
			NOTIFICATION DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/506,815	RAMASWAMY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	FARHAD ALI	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 January 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 September 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.                                                         | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh et al. (US 6,463,474 B1), hereinafter Fuh, in view of Noy et al. (US 6,539,540 B1), hereinafter Noy.

### **Claim 1**

Fuh teaches a data network management system for identifying unauthorized access to a data network service, provided at a service node in a data network, by a user node in said data network (**Column 3 Lines 1-4, “a method of controlling access of a client to a network resource using a network device that is logically interposed between the client and the network resource”**), said service node having an agent and having means for maintaining a user access list, said user access list having at least one data network address corresponding to at least one user node in said data network (**Column 3 Lines 4-6, “the method comprising creating and storing client authorization information at the network device,” and Column 3 Lines 29-34, “creating and storing client authorization information comprises the**

**steps of creating and storing in the network device a plurality of authentication caches, each authentication cache uniquely associated with one of a plurality of clients that communicate with the network device”), said system comprising:**

a database for maintaining an authorized access list for said service node (See **Figure 2, “Database”**).

Although Fuh discloses in **Column 3 Lines 39-44**, “determining whether information in the request identifying the client matches information in a filtering mechanism of the network device and the authorization information stored in the network device” and **Column 3 Lines 59-64**, “when the source IP address fails to match the authorization information stored in the network device, determining if user identifying information received from the client matches a profile associated with the user that is stored in an authentication server that is coupled to the network device”, Fuh does not teach a data communication means for periodically polling said agent at said service node and for retrieving a user access list from said agent and comparing said user access list to said authorized access list and for updating said authorized access list, based on the user access list retrieved from said agent.

Noy discloses in the Background of the invention, “Often, an SNMP manager will periodically poll an agent 30 in order to detect changes in the MIB information for a particular network device. This is currently accomplished by the SNMP manager creating a request message for specific MIB information each time it

**polls the agent and then sending the request to the agent. In response, the agent formats a response message that includes the requested MIB information and sends the response to the manager. The manager then deconstructs the response message to derive the MIB information and compares the information to previously acquired information or baseline information in 40 order to detect any differences”.**

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Noy's known method of optimizing network management protocols with Fuh's Network management system. Combining Noy's method of periodically polling an SMTP agent for MIB information with Fuh's network management system will reduce the overall bandwidth needed for recognizing unauthorized connections. Also, there is more flexibility in choosing how often the network manager polls the agents for comparing information, which can allow a network manager to check more often during periods of low network activity and less often during periods of high network activity, therefore increasing network utilization and activity.

## **Claim 2**

Fuh teaches the data network management system as defined in claim 1, wherein said agent is a Simple Network Management Protocol agent (**Applicant admits in desription of the Prior Art in Paragraph [0005] that “At present, the most pervasive tool is the Simple Network Management Protocol (SNMP)--a standard**

**implemented in network nodes to publish information for the purposes of data network management).**

**Claim 3**

Fuh teaches the data network management system as defined in claim 1, wherein said data communication means is a Simple Network Management Protocol communication means (**Applicant admits in description of the Prior Art in Paragraph [0005] that “At present, the most pervasive tool is the Simple Network Management Protocol (SNMP)--a standard implemented in network nodes to publish information for the purposes of data network management).**

**Claim 4**

Fuh teaches the data network management system as defined in claim 1, further including means for installing said agent at said service node, said agent having means to communicate with said data communication means (**Column 9 Lines 15-16, “A filtering mechanism 219 is part of the configuration of Authentication Proxy 400” which is a functional part of the network device).**

**Claim 5**

Fuh teaches a method for identifying unauthorized access to a data network service, provided at a service node in a data network, by a user node in said data network (**Column 3 Lines 1-4, “a method of controlling access of a client to a network resource using a network device that is logically interposed between the**

**client and the network resource”**), said service node having an agent and having means for maintaining a user access list, said user access list having at least one data network address corresponding to at least one user node in said data network (**Column 3 Lines 4-6**, “**the method comprising creating and storing client authorization information at the network device,**” and **Column 3 Lines 29-34**, “**creating and storing client authorization information comprises the steps of creating and storing in the network device a plurality of authentication caches, each authentication cache uniquely associated with one of a plurality of clients that communicate with the network device**”), said method comprising:

d) if said access was not authorized, initiating a notification process; (**Column 13 Lines 35-37**, “**If the authentication is not successful, as shown in block 736 and block 738, the process may notify the client with an appropriate message or page**”) wherein said user access list identifies a plurality of accesses to said service node (**Column 3 Lines 29-34**, “**creating and storing client authorization information comprises the steps of creating and storing in the network device a plurality of authentication caches, each authentication cache uniquely associated with one of a plurality of clients that communicate with the network device**”).

Although Fuh discloses in **Column 3 Lines 39-44**, “**determining whether information in the request identifying the client matches information in a filtering mechanism of the network device and the authorization information stored in the network device**” and **Column 3 Lines 59-64**, “**when the source IP address fails to**

**match the authorization information stored in the network device, determining if user identifying information received from the client matches a profile associated with the user that is stored in an authentication server that is coupled to the network device”, Fuh does not specifically teach:**

- a) periodically polling an agent and retrieving said user access list, for a given period of time, from said service node in said data network;
- b) comparing said user access list to an authorized access list;
- c) determining if an access to said service node was unauthorized based on comparing said user access list to the authorized access list.

Noy discloses in the Background of the invention, “**Often, an SNMP manager will periodically poll an agent 30 in order to detect changes in the MIB information for a particular network device. This is currently accomplished by the SNMP manager creating a request message for specific MIB information each time it polls the agent and then sending the request to the agent. In response, the agent 35 formats a response message that includes the requested MIB information and sends the response to the manager. The manager then deconstructs the response message to derive the MIB information and compares the information to previously acquired information or baseline information in 40 order to detect any differences”.**

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Noy’s known method of optimizing network management protocols

with Fuh's Network management system. Combining Noy's method of periodically polling an SMTP agent for MIB information with Fuh's network management system will reduce the overall bandwidth needed for recognizing unauthorized connections. Also, there is more flexibility in choosing how often the network manager polls the agents for comparing information, which can allow a network manager to check more often during periods of low network activity and less often during periods of high network activity, therefore increasing network utilization and activity.

### **Claim 6**

Fuh teaches the method as defined in claim 5, further including updating said authorized access list based on said user access list retrieved from said service node (**Column 4 Lines 42-44, “updating the new authentication cache based on information received from the authentication server”**).

### **Claim 7**

Fuh teaches the method as defined in claim 5, further including installing said agent at said user node, prior to periodically polling and retrieving said user access list (**Column 9 Lines 15-16, “A filtering mechanism 219 is part of the configuration of Authentication Proxy 400” which is a functional part of the network device**).

### **Claim 8**

Fuh teaches the method as defined in claim 5, further including selecting said service node for identification based on a predetermined criteria, prior to retrieving said

user access list (**Column 10 Lines 31-34, “Authentication Proxy 400 determines whether the source IP address in the header field of the packets corresponds to any entry in the filtering mechanism 219 configured in the Authentication Proxy 400. If the test of block 706 is affirmative, then control passes to block 708 in which the authentication caches are searched for the source IP address”**).

**Claim 9**

Fuh teaches the method as defined in claim 5, wherein said notification process comprises notifying a Network Operations Console (**Column 13 Lines 35-37, “If the authentication is not successful, as shown in block 736 and block 738, the process may notify the client with an appropriate message or page”**).

**Claim 10**

Fuh does not specifically teach the method as defined in claim 5, wherein a) through c) are repeated, and wherein said user node is selected from one of a plurality of user nodes in said data network.

Noy discloses in Summary of the invention, a method for detecting 60 a change in MIB information, the method including the steps of a) creating a MIB information request, b) sending the request to an SNMP agent, c) receiving a first response to the request from the SNMP agent, the first response includes MIB information encoded as a byte array, and d) comparing 65 the first response byte array to a comparison byte array to determine a difference therebetween, thereby detecting. Further in accordance with a

preferred embodiment of the present invention the method further includes repeating steps b)-d) using the MIB information request created in step a)".

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Noy's known method of optimizing network management protocols with Fuh's Network management system. Combining Noy's method of periodically polling an SMTP agent for MIB information with Fuh's network management system will reduce the overall bandwidth needed for recognizing unauthorized connections. Also, there is more flexibility in choosing how often the network manager polls the agents for comparing information, which can allow a network manager to check more often during periods of low network activity and less often during periods of high network activity, therefore increasing network utilization and activity.

### Claim 11

Fuh does not specifically teach the method as defined in claim 5, wherein a) through d) are repeated, and wherein said user node is selected from one of a plurality of user nodes in said data network.

Noy discloses in Summary of the invention, a method for detecting 60 a change in MIB information, the method including the steps of a) creating a MIB information request, b) sending the request to an SNMP agent, c) receiving a first response to the request from the SNMP agent, the first response includes MIB information encoded as a byte array, and d) comparing 65 the first response byte array to a comparison byte array to determine a difference therebetween, thereby detecting. Further in accordance with a

preferred embodiment of the present invention the method further includes repeating steps b)-d) using the MIB information request created in step a)".

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Noy's known method of optimizing network management protocols with Fuh's Network management system. Combining Noy's method of periodically polling an SMTP agent for MIB information with Fuh's network management system will reduce the overall bandwidth needed for recognizing unauthorized connections. Also, there is more flexibility in choosing how often the network manager polls the agents for comparing information, which can allow a network manager to check more often during periods of low network activity and less often during periods of high network activity, therefore increasing network utilization and activity.

### Claim 12

Fuh teaches the method as defined in claim 5, wherein said agent is a Simple Network Management Protocol agent (**Applicant admits in description of the Prior Art in Paragraph [0005] that “At present, the most pervasive tool is the Simple Network Management Protocol (SNMP)--a standard implemented in network nodes to publish information for the purposes of data network management).**

### Claim 13

Fuh teaches a computer-readable medium for identifying unauthorized access to a data network service, provided at a service node in a data network, by a user node in said data network (**Column 3 Lines 1-4, “a method of controlling access of a client**

**to a network resource using a network device that is logically interposed between the client and the network resource”), said service node having an agent and having means for maintaining a user access list, said user access list having at least one data network address corresponding to at least one user node in said data network (Column 3 Lines 4-6, “the method comprising creating and storing client authorization information at the network device,” and Column 3 Lines 29-34, “creating and storing client authorization information comprises the steps of creating and storing in the network device a plurality of authentication caches, each authentication cache uniquely associated with one of a plurality of clients that communicate with the network device”), and said medium having stored thereon, computer-readable and computer-executable instructions which, when executed by a processor, cause said processor to perform steps comprising:**

- d) if determined that said access was unauthorized, initiating a notification process (Column 13 Lines 35-37, “If the authentication is not successful, as shown in block 736 and block 738, the process may notify the client with an appropriate message or page”).

Although Fuh discloses in Column 3 Lines 39-44, “determining whether information in the request identifying the client matches information in a filtering mechanism of the network device and the authorization information stored in the network device” and Column 3 Lines 59-64, “when the source IP address fails to match the authorization information stored in the network device, determining if user identifying information received from the client matches a profile associated

**with the user that is stored in an authentication server that is coupled to the network device”, Fuh does not specifically teach:**

- a) periodically polling an agent and retrieving said user access list, for a given period of time, from said service node in a data network;
- b) comparing said user access list to an authorized access list;
- c) determining if an access to said data network service was authorized based on said comparison step b).

Noy discloses in the Background of the invention, “**Often, an SNMP manager will periodically poll an agent 30 in order to detect changes in the MIB information for a particular network device. This is currently accomplished by the SNMP manager creating a request message for specific MIB information each time it polls the agent and then sending the request to the agent. In response, the agent 35 formats a response message that includes the requested MIB information and sends the response to the manager. The manager then deconstructs the response message to derive the MIB information and compares the information to previously acquired information or baseline information in 40 order to detect any differences”.**

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Noy's known method of optimizing network management protocols with Fuh's Network management system. Combining Noy's method of periodically polling an SMTP agent for MIB information with Fuh's network management system will

reduce the overall bandwidth needed for recognizing unauthorized connections. Also, there is more flexibility in choosing how often the network manager polls the agents for comparing information, which can allow a network manager to check more often during periods of low network activity and less often during periods of high network activity, therefore increasing network utilization and activity.

**Claim 14**

Fuh teaches the computer-readable medium as defined in claim 13, further containing computer-readable and computer-executable instructions which perform a step of updating said authorized access list based on user access information (**Column 4 Lines 42-44, “updating the new authentication cache based on information received from the authentication server”**).

**Claim 15**

Fuh teaches the computer-readable medium as defined in claim 13, further containing computer-readable and computer-executable instructions which perform a step of installing said agent at said user node, prior to retrieving said user access list in step a) (**Column 9 Lines 15-16, “A filtering mechanism 219 is part of the configuration of Authentication Proxy 400” which is a functional part of the network device**).

**Claim 16**

Fuh does not teach the computer-readable medium as defined in claim 13, further containing computer-readable and computer-executable instructions wherein said steps a) through c) are repeated, and wherein said user node is selected from one of a plurality of user nodes in said data network.

Noy discloses in Summary of the invention, a method for detecting 60 a change in MIB information, the method including the steps of a) creating a MIB information request, b) sending the request to an SNMP agent, c) receiving a first response to the request from the SNMP agent, the first response includes MIB information encoded as a byte array, and d) comparing 65 the first response byte array to a comparison byte array to determine a difference therebetween, thereby detecting. Further in accordance with a preferred embodiment of the present invention the method further includes repeating steps b)-d) using the MIB information request created in step a)".

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Noy's known method of optimizing network management protocols with Fuh's Network management system. Combining Noy's method of periodically polling an SMTP agent for MIB information with Fuh's network management system will reduce the overall bandwidth needed for recognizing unauthorized connections. Also, there is more flexibility in choosing how often the network manager polls the agents for comparing information, which can allow a network manager to check more often during periods of low network activity and less often during periods of high network activity, therefore increasing network utilization and activity.

**Claim 17**

Fuh teaches the computer-readable medium as defined in claim 13, wherein said agent is a Simple Network Management Protocol agent (**Applicant admits in description of the Prior Art in Paragraph [0005]** that “At present, the most pervasive tool is the Simple Network Management Protocol (SNMP)--a standard implemented in network nodes to publish information for the purposes of data network management).

**Claim 18**

Fuh teaches a computer for use in a data network for identifying unauthorized access to a data network service, provided at a service node in a data network, by a user node in said data network (**Column 3 Lines 1-4**, “**a method of controlling access of a client to a network resource using a network device that is logically interposed between the client and the network resource**”), said service node having an agent and having means for maintaining a user access list, said user access list having at least one data network address corresponding to at least one user node in said data network (**Column 3 Lines 4-6**, “**the method comprising creating and storing client authorization information at the network device**,” and **Column 3 Lines 29-34**, “**creating and storing client authorization information comprises the steps of creating and storing in the network device a plurality of authentication caches, each authentication cache uniquely associated with one of a plurality of clients that communicate with the network device**”), said computer comprising:

means for storing an authorized access list for said service node (See Figure 1, “STORAGE DEVICE”);

a central processing unit (**See Figure 1, “PROCESSOR”**).

Although Fuh discloses in **Column 3 Lines 39-44**, “determining whether information in the request identifying the client matches information in a filtering mechanism of the network device and the authorization information stored in the network device” and **Column 3 Lines 59-64**, “when the source IP address fails to match the authorization information stored in the network device, determining if user identifying information received from the client matches a profile associated with the user that is stored in an authentication server that is coupled to the network device”, Fuh does not specifically teach:

data communication means for periodically polling said agent at said service node and retrieving a user access list from said agent; and

data processing means for comparing said retrieved user access list to said authorized access list and for updating said authorized access list based on the user access list retrieved from said agent

Noy discloses in the Background of the invention, “Often, an SNMP manager will periodically poll an agent 30 in order to detect changes in the MIB information for a particular network device. This is currently accomplished by the SNMP manager creating a request message for specific MIB information each time it polls the agent and then sending the request to the agent. In response, the agent

**35 formats a response message that includes the requested MIB information and sends the response to the manager. The manager then deconstructs the response message to derive the MIB information and compares the information to previously acquired information or baseline information in 40 order to detect any differences”.**

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Noy's known method of optimizing network management protocols with Fuh's Network management system. Combining Noy's method of periodically polling an SMTP agent for MIB information with Fuh's network management system will reduce the overall bandwidth needed for recognizing unauthorized connections. Also, there is more flexibility in choosing how often the network manager polls the agents for comparing information, which can allow a network manager to check more often during periods of low network activity and less often during periods of high network activity, therefore increasing network utilization and activity.

### **Claim 19**

Fuh teaches the data network as defined in claim 1, wherein said authorized access list is a common authorized user access list, that includes a range of user nodes for comparing to said user access list to determine if said user access list is a subset of said common authorization access list (**See Figure 4 Number 432-436, “Authentification Cache”**).

### **Claim 20**

Fuh teaches the data network management system of claim 1 wherein said user access list identifies a plurality of accesses to said service node (**Column 3 Lines 29-34, “creating and storing client authorization information comprises the steps of creating and storing in the network device a plurality of authentication caches, each authentication cache uniquely associated with one of a plurality of clients that communicate with the network device”.**)

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARHAD ALI whose telephone number is (571)270-1920. The examiner can normally be reached on Monday thru Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Farhad Ali/  
Examiner, Art Unit 2146

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2146